



## PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : Lopez, et al.

Appl. No. : 09/213,138

Filed : December 16, 1998

For : SYSTEM AND METHOD FOR  
BROWSING AND C  
PRODUCTS

Examiner : Steven R. Wasylchak

Group Art Unit 2764

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231, on

~~November 29, 2011~~

(Date)

Douglas G. Muehlhauser, Reg. No. 42,018

JAN 15 2002  
Technology Center 2100

# APPEAL BRIEF

**BOARD OF PATENT APPEALS AND INTERFERENCES**  
**Washington, D.C. 20231**

Dear Sir:

Appellant, ICU Medical, Inc. (“Appellant”), submits this Appeal Brief in furtherance of the present appeal (“the Appeal”) in the above-captioned matter. The Appeal was noticed on June 29, 2001. Appellant seeks review of the rejections of pending Claims 1-16 stated in the Final Office Action mailed on April 9, 2001 (“the Final Office Action”) (a copy of the Final Office Action is attached as Ex. A). Many of those rejections were originally stated in the first Office Action mailed on August 25, 2000 (“the First Office Action”) (a copy of the First Office Action is attached as Ex. B).

Generally, Applicant appeals from Section 103(a) rejections based almost exclusively on the Examiner's use of a dictionary, and also Section 102(e) rejections inexplicably citing a press release rather than an issued patent as a reference. These rejections show a fundamental misapprehension of the law governing both Sections 102(e) and 103(a), and the Board should reverse them.

## I. REAL PARTY IN INTEREST

The real party in interest is ICU Medical, Inc., having a principal place of business at 951 Calle Amenecer, San Clemente, CA 92673.

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## II. RELATED APPEALS AND INTERFERENCES

Appellant and Appellant's legal representative know of no other appeals or interferences which will directly affect or be directly affected by or have a bearing on any decision by the Board of Patent Appeals and Interferences (the "Board") in this Appeal.

## III. STATUS OF CLAIMS

Claims 1-16 are pending, and no claims have been cancelled or amended. Claims 1-16 are the claims appealed.

## IV. STATUS OF AMENDMENTS

No Amendments have been filed subsequent to the Final Office Action.

## V. SUMMARY OF INVENTION

The invention provides a system and method permitting users to locate, browse and compare products by providing information about different, but corresponding products, such as competing products offered by a competing merchant. Spec. at 1, lines 5-7. Thus, for example, a user can supply or select a model number associated with a product of a merchant's competitor, and the invention uses the model number to locate and provide information about a corresponding product offered by the merchant. *Id.* at 2, lines 17-19. Among other uses, the invention may be useful to a merchant in allowing a prospective buyer, who is intimately familiar with the model numbers for a competitor's product line, to easily browse and compare the merchant's corresponding product line, thus allowing the prospective buyer to perform meaningful browsing with little prior knowledge of the merchant's product line. *Id.*

Thus, the invention relates to a system for browsing one or more products using information about one or more different, but corresponding products. The system includes a product database, *e.g.*, Fig. 4 item 210, having data that represent a product, *e.g.*, Spec. at 9:8-27, Fig. 4 item 404, a corresponding product, *e.g.*, Spec. at 11:1-18, Fig. 4 item 434, and an association between them, *e.g.*, Spec. at 11:31-12:10, Fig. 4 items 458, 462. The system also includes a dynamic page file, *e.g.*, Spec. at 14:32, Fig. 8 item 802, for generating an electronic

store page, *e.g.*, Fig. 8 item 808. The dynamic page file has instructions that use the corresponding product data to retrieve the product data from the product database, and the generated electronic store page includes the product data. *E.g.*, Spec. at 15:6-16:16. When the electronic store page is requested, a server can access the dynamic page file, process the instructions, and provide the electronic store page. *Id.* In addition, the invention may facilitate cost comparison by receiving cost and quantity information about a product, and then providing an indication of the savings that a buyer would realize in buying the same quantity of a corresponding product. *E.g.*, Spec. at 19:21-20:26.

The invention also relates to a method for locating information about a product using information about a competing product. The method involves transmitting a hyperlink operatively associated with an identifier representing a corresponding product and another identifier representing a corresponding product page file. *E.g.*, Spec. at 18:8-29, Figs. 10A and 10B items 1026, 1028, 1032, 1034, 1036. When the hyperlink is received and displayed with information identifying a product, it causes, upon selection by a user, the transmission of a request for a corresponding product page. *Id.*

The invention further relates to an e-store dynamic page file. *E.g.*, Spec. at 18:8-23, Fig. 10A item 1024. The e-store dynamic page file has static content including content tags that can be interpreted to format the content. *E.g.*, Fig. 8 item 806, Fig. 10A item 1030. The e-store dynamic page file also has script components. *E.g.*, Fig. 8 items 810, 816, 822. The script components include connection instructions that establish a connection to a product database. *E.g.*, Spec. at 18:10, Fig. 8 item 812. The script components also include query instructions that use a search key to obtain from the product database one or more records having information about competing products. *E.g.*, Spec. at 18:10-13, Fig. 8 item 814. The script components further include hyperlink creation instructions to create a hyperlink for each record obtained, each hyperlink referring to a corresponding product page file and each hyperlink including an identifier representing a corresponding product. *E.g.*, Spec. at 18:15-19, Fig. 8 items 824, 830.

The invention also relates to certain means comprising a system for locating information about products. Thus, the invention includes associating means for storing an association between a product and a corresponding product. *E.g.*, Spec. at 11:31-12:10, Fig. 4 items 456, 458, 462. The invention also includes requesting means responsive to an identification of the product to request information about the corresponding product. *E.g.*, Spec. at 16:7-16, Fig. 8

item 838. The invention further includes query means for using the identification of the product to access the associating means to obtain information about the corresponding product. *E.g.*, Spec. at 15:10-28, Fig. 8 item 814. Additionally, the invention includes information assembly means responsive to the request to invoke the query means and format the information about the corresponding product. *E.g.*, Spec. at 15:30-31, Fig. 8 item 818, 832. Also, the invention includes transmitting means for presenting the formatted information about the corresponding product. *E.g.*, Spec. at 8:5-9, Fig. 2 item 202.

The invention also relates to a series of steps for retrieving information about a product using information about another product. Accordingly, the invention includes steps for storing information about first and second sets of products, and an association between them. *E.g.*, Spec. at 9:3-7, Fig. 3 items 302, 306, 308. The invention also includes a step for establishing a connection between client and server computers. *E.g.*, Spec. at 7:26-8:3, Fig. 1 items 110, 114, 116, 118. Also, the invention also includes steps for transmitting a product identifier representing the first set of products to the server, and receiving a competing product identifier representing the second set of products. *E.g.*, Spec. at 18:21-29, Fig. 10A items 1032, 1036.

## VI. ISSUES

1. Whether Claims 1-13 are unpatentable under 35 U.S.C. § 103(a) over the Microsoft Computer Dictionary (see Ex. C for cited excerpts) in view of Official Notice.
2. Whether Claims 7-10, 15 and 16 are unpatentable under 35 U.S.C. § 102(e) as anticipated by the article, "SingleShop E-Shopping Service Powers iMom.com" (see Ex. D).
3. Whether Claim 14 is unpatentable under 35 U.S.C. § 103(a) over the Information Today article, "Planet Retail, a Comparative Shopping Service from Dialog, Debuts" (see Ex. E).

## VII. GROUPINGS OF CLAIMS

With regard to Issue No. 1 above, Claims 1-13 do not stand or fall together as unpatentable under 35 U.S.C. § 103(a) over the Microsoft Computer Dictionary in view of Official Notice. In particular, Claims 1, 2, 6, 7, 8, 11 and 12 are separately patentable.

With regard to Issue No. 2 above, Claims 7-10, 15 and 16 do not stand or fall together as anticipated under 35 U.S.C. § 102(e) by the article, "SingleShop E-Shopping Service Powers iMom.com." More specifically, Claims 7, 8, 15 and 16 are separately patentable.

## VIII. ARGUMENT

### A. Introduction

All but one of the Section 103(a) rejections at issue in this appeal were formed by (1) turning to a computer dictionary, (2) looking up and citing definitions of words and phrases that appear in Applicant's claims, (3) citing Official Notice for matter that could not be found in the dictionary, and (4) simply stating that each limitation in each claim would have been obvious to one of ordinary skill. As explained in detail below, the Examiner provided no basis for combining numerous dictionary definitions with numerous Official Notices to conclude that Applicant's Claims 1-13 would have been obvious. The Board should reverse each of those rejections.

Another group of claims was rejected for anticipation under 35 U.S.C. § 102(e). But the lone reference cited for the Section 102(e) rejection is neither a U.S. patent nor a published patent application. Rather, it is a press release published a year-and-a-half after Applicant filed the present application. Plainly, Section 102(e) is not applicable, and the article cannot be anticipating prior art under any subpart of Section 102. Thus, the anticipation rejections have no merit and should be reversed.

The following sections first address the anticipation rejections under Section 102(e), and then address the obviousness rejections under Section 103(a).

### B. Claims 7-10, 15 And 16 Cannot Be Anticipated Under 35 U.S.C. § 102(e) By A Press Release Published Long After Applicant's Filing Date

In the Final Office Action, the Examiner expressly rejected Claims 15 and 16 "as being anticipated by the article 'SingleShop E-Shopping Service Powers iMom.com'" (the "SingleShop article"). Ex. A at 3. No other basis was provided to reject Claims 15 and 16.

With respect to Claim 7, the Examiner indicated that it stands rejected and stated as part of the grounds for rejection, "Refer to similar reasoning under claim 16 with the SingleShop article." Ex. A at 5. Additionally, with respect to Claims 8-10, the Examiner stated that they "are rejected by the dependence upon rejected claim 7." *Id.* Thus, the Section 102(e) rejection applies, at most, to only Claims 15 and 16 and Claims 7-10.

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1. **The SingleShop Article Cannot Be Prior Art Under Section 102(e) Or Any Other Subpart Of Section 102**

It could hardly be more apparent that the Examiner improperly used Section 102(e) to reject Applicant's claims. That Section applies only to certain issued patents or published patent applications as prior art, and not articles or press releases. The Examiner improperly cited a two-page press release (Ex. D), and nothing else, in rejecting Applicant's claims under Section 102(e).

Section 102(e), by its express terms, concerns only a very narrow category of prior art, namely, issued U.S. patents based on applications filed prior to Applicant's date of invention or published patent applications that were filed prior to Applicant's date of invention.<sup>1</sup> As quoted in the Final Office Action, Section 102(e) provides:

A person shall be entitled to a patent unless —

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent . . .

35 U.S.C. § 102(e) (emphasis added). See Ex. A at 3.

A Section 102(e) rejection may not be based on any prior art reference except an issued patent or a published patent application. Thus, the present Section 102(e) rejections must fail. The Examiner cited only a two-page press release — the SingleShop article — to support his Section 102(e) rejections, and never cited anything else that could properly be prior art under that Section. Ex. A at 3. Plainly, the SingleShop article cannot be prior art under Section 102(e).

Nor can the SingleShop article be prior art under any other subpart of Section 102. The SingleShop article was published on May 11, 2000. See Ex. D at 1. Applicant, however, filed the present application on December 16, 1998, almost a year-and-a-half earlier. Various subparts of Section 102 may bar the issuance of a patent based on certain activities prior to an applicant's date of invention or prior to an applicant's filing date. But a press release published long after Applicant filed the present application cannot be anticipating prior art under any subpart of Section 102.

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<sup>1</sup> Prior art under Section 102(e) may also include certain international patent applications meeting specific requirements. But no such applications were cited and none are at issue here.

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In sum, the SingleShop article cannot, under any subpart of Section 102, anticipate any of Applicant's pending patent claims. For this reason alone, the Board should reverse the rejections of Claims 7-10, 15 and 16 under Section 102(e).

**2. The SingleShop Article Does Not Disclose Each And Every Limitation Of Any Of Claims 7-10, 15 and 16**

Even if the SingleShop article could somehow be deemed to be prior art under some subpart of Section 102, it still does not disclose each and every limitation of any of Claims 7-10, 15 or 16. Thus, it cannot bar the patentability of any of those claims as an anticipating reference.

**a. Claim 7**

Claim 7 is directed to a method for locating information about a product using information about a corresponding product. The following are two of Claim 7's limitations:

transmitting with a page server at least one corresponding product hyperlink to a customer browser, said at least one corresponding product hyperlink operatively associated with a corresponding product identifier representing a corresponding product and operatively associated with a page file identifier representing a corresponding product page file;

displaying with said customer browser information identifying a product, a portion of said displayed information selectable to activate said corresponding product hyperlink;

Nowhere does the SingleShop article disclose the two limitations above. Indeed, the SingleShop article does not even address the concept of locating information about a product using information about a corresponding product. The Examiner never described how the SingleShop article disclosed each of the limitations of Claim 7, but merely stated "Cl 7 stands rejected. Refer to similar reasoning under claim 16 with the SingleShop article." Ex. A at 5. On the Section 102(e) rejection of Claim 7, the Examiner said no more.

Turning to what the SingleShop article does disclose, it refers to an Internet site wherein users, such as moms, "can comparison shop across the Internet and buy multiple items from multiple retailers, with a single checkout transaction" all while staying on a single Internet site. Ex. D at 1. The SingleShop article refers to a search engine it uses "to provide consumers the ability to search, compare and purchase products from the Web's leading merchants with a universal shopping cart and single checkout transaction." Ex. D at 2.

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Importantly, the SingleShop article says nothing about displaying information about one product, where a part of the displayed information is selectable to activate a hyperlink associated with a corresponding product. It is elementary that a reference must disclose each and every limitation of a claim before it can anticipate, and thus bar, the claim. *E.g., C.R. Bard, Inc. v. M3 Systems, Inc.*, 157 F.3d 1340, 1349 (Fed. Cir. 1998) (“When the defense of lack of novelty is based on a printed publication that is asserted to describe the same invention, a finding of anticipation requires that the publication describe all of the elements of the claims, arranged as in the patented device.”). The SingleShop article does not disclose each and every limitation of Claim 7, and thus it cannot anticipate that claim to bar its patentability.

**b. Claims 8-10**

The Examiner stated that Claims 8-10 “are rejected by their dependence upon rejected claim 7.” Ex. A at 5. To the extent that the Examiner’s stated ground of rejection of Claims 8-10 could involve the rejection of Claim 7 under Section 102(e), Applicant addresses that possibility here in an abundance of caution.

First, Claims 8-10 are all dependent upon Claim 7, and thus each includes all the limitations of Claim 7. As explained above, the SingleShop article does not disclose all the limitations of Claim 7. Because each of Claims 8-10 includes the limitations of Claim 7, the SingleShop article does not disclose all the limitations of any of Claims 8-10 either.

Second, Claim 8 includes an additional limitation not disclosed by the SingleShop article. In particular, Claim 8 includes the limitation “processing instructions in said page file to use said identifier to obtain data representing a corresponding product.” The SingleShop article fails to disclose anything about a page file or about the processing of any instructions in a page file. Thus, the SingleShop article does not anticipate Claim 8. Claims 9 and 10 depend from Claim 8, and thus share its limitations. Accordingly, for the same reasons it does not anticipate Claim 8, the SingleShop article cannot anticipate Claims 9 or 10. Also, Claim 8’s additional distinctions over the SingleShop article demonstrate that Claim 8 is separately patentable from Claim 7.

**c. Claim 15**

Claim 15 is directed to a product browsing system. Claim 15 includes the following limitations:

a product database including first data representing a product, including second data representing a competing product, and including third data representing an



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association between said product and said competing product, said product database residing on a computer readable medium of the server computer; and

a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said electronic store page transmitted via said network connection.

Nowhere in either of its two pages does the SingleShop article even hint at a product database storing data representing a product, a competing product or any association between the two. Nor does the SingleShop article disclose using data representing a competing product as a query parameter to obtain data representing a product from a product database.

Thus, the SingleShop article fails to disclose each and every limitation of Claim 15. Accordingly, the SingleShop article cannot bar Claim 15's patentability due to anticipation. In addition, Claim 15's recited product database and instructions for querying it provide additional distinctions over the relied upon prior art, showing Claim 15 is separately patentable over Claims 7 and 8.

**d. Claim 16**

Claim 16 is directed to a method for retrieving information about a product using information about another product. The method of Claim 16 includes steps for storing information on a first set of products, information on a second set of products, and an association between the first set of products and the second set of products — the association representing product equivalency.

First, the SingleShop article discloses nothing about retrieving information about a product using information about another product. More particularly, the SingleShop article does not disclose any steps for storing information about first and second sets of products or about storing an association between the two sets of products that represents product equivalency. Therefore, because the SingleShop article does not disclose each and every limitation of Claim 16, it cannot bar the patentability of Claim 16 due to anticipation. In addition, the claimed association representing product equivalency provides additional distinction over the relied upon prior art showing that Claim 16 is separately patentable over Claims 7, 8 and 15.

For the reasons provided above, the board should reverse the rejections of Claims 7-10, 15 and 16 under Section 102(e) as anticipated by the SingleShop article.

**C. Claims 1-13 Are Not Unpatentable Under 35 U.S.C. § 103(a) Over The Microsoft Computer Dictionary In View Of Official Notice**

In the First Office Action, the Examiner rejected Claims 1-13 as unpatentable over the Microsoft Computer Dictionary in view of Official Notice. Ex. B at 4. Despite Applicant's arguments in response, the Examiner maintained each of those rejections in the Final Office Action. Ex. A at 4-5.

Section 103(a) of the Patent Act states:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains.

35 U.S.C. § 103(a) (emphasis added).

Two key aspects of deciding whether a patent claim would have been obvious are (1) determining what constitutes applicable prior art, and (2) determining whether there is any suggestion or motivation to combine prior art references to arrive at the claimed invention. These determinations are addressed in turn below.

**1. The Microsoft Computer Dictionary Is Not Analogous Art And Thus Has No Bearing On The Patentability Of Applicant's Claims**

"A prerequisite to making [a finding on Section 103 obviousness] is determining what is 'prior art,' in order to consider whether 'the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious'." *In re Clay*, 966 F.2d 656 (Fed. Cir. 1992). When a prior art reference is too remote to the claimed invention to have any relevance, the reference is said to be "non-analogous." *Id.* A cited prior art reference, such as the Microsoft Computer Dictionary in this case, has no bearing on the obviousness of any patent claim unless it is found to be "analogous" prior art. *Jurgens v. McKasy*, 927 F.2d 1552, 1559 (Fed. Cir. 1991).

Two criteria are applied to determine whether a prior art reference is analogous: (1) whether the prior art reference is from the same field of endeavor, and (2) if it is not, whether the prior art reference is still reasonably pertinent to the particular problem the inventor addressed. *Clay*, 966 F.2d at 658-59. Here Applicant's field of endeavor is electronic commerce. The

Microsoft Computer Dictionary, on the other hand, is from the linguistic field of defining computer-related words, and thus is not even close to the same field of endeavor.

In *Clay*, the Federal Circuit determined that a prior art reference was not from the same field of endeavor as the inventor's even though both related to the petroleum industry, 966 F.2d at 659. The *Clay* Court found the fields of endeavor different, noting that the inventor's field was the storage of refined liquid hydrocarbons, while the field of the prior art reference was the extraction of crude petroleum. *Id.* In the present case, the Microsoft Computer Dictionary's field of linguistic definitions is far more remote to Applicant's field than the prior art reference in *Clay*. Thus, the Microsoft Computer Dictionary does not qualify as analogous art by being from the same field of endeavor.

Nor does the Microsoft Computer Dictionary qualify as analogous art by being reasonably pertinent to the problem addressed by the inventor. In analyzing this prong of the analogous art test, the Federal Circuit, in *Clay*, looked to whether a person having ordinary skill would have reasonably expected to solve the problem addressed by the inventor by considering the prior art reference. *Id.* at 660. Here, the inventors addressed a problem in locating information about and comparing products. No person of ordinary skill in the art could reasonably have expected to solve such a problem by considering the Microsoft Computer Dictionary. It simply is not reasonably pertinent to the problem addressed in the present case.

The Microsoft Computer Dictionary falls woefully short of qualifying as analogous art under either of the two prongs. Thus, it has no bearing on the determination of whether any of Applicant's claims would have been obvious.

Indeed, in the United States, all patent applicants must use the English language to prepare their applications and craft their claims. Otherwise, the notice function served by the claims could not possibly be satisfied, and the public could not be expected to have any notice whatsoever of the scope of issued patent claims. With rare exception, the English words and phrases applicants choose to recite in their claims appear in dictionaries. Often, every word in a patent claim appears in a single dictionary. If a dictionary could be relevant prior art, and the collected definitions of all or most of the words in a patent claim could be combined for purposes of performing an obviousness analysis, it is hard to see how a claim to any invention could ever be allowed. The requirement that prior art be analogous to the claimed invention — which renders dictionaries irrelevant to the obviousness question in virtually all cases — prevents such

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extreme results. Moreover, an obviousness-by-dictionary regime cannot be squared with the long-settled law that “there is no basis for concluding that an invention would have been obvious solely because it is a combination of elements that were known in the art at the time of the invention.” *E.g., Smiths Indus. Med. Sys., Inc. v. Vital Signs, Inc.*, 183 F.3d 1347, 1356 (Fed. Cir. 1999).

When the Microsoft Computer Dictionary is excluded from the obviousness analysis performed by the Examiner in this case, it is clear that the rejections of Claims 1-13 cannot stand. When the Examiner cited the Microsoft Computer Dictionary in forming his obviousness rejections, the Examiner never combined the definitions he cited with any other prior art reference. Rather the dictionary definitions were only combined with Official Notice. Thus, when the citations to the Microsoft Computer Dictionary are properly removed from each of the Examiner’s conclusions of obviousness, no other prior art reference remains on which to base those conclusions, except for Official Notice. But no Official Notice taken by the Examiner was broad enough, standing by itself, to support any conclusion of obviousness on any of Applicant’s claims.

The Board should reverse the Section 103(a) rejections of Claims 1-13 based on the Microsoft Computer Dictionary, because it is not analogous prior art and because no other prior art relied upon by the Examiner renders those claims obvious.

**2. The Examiner Identified No Suggestion, Motivation Or Teaching To Combine The Computer Dictionary Definitions With The Official Notices**

It is critical to an obviousness analysis that it be done as of the time the invention was made. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). This strict requirement avoids the insidious effect of a hindsight syndrome “wherein that which only the inventor taught is used against its teacher.” *Id.* A proper obviousness analysis considers the thinking of one of ordinary skill, guided only by the prior art references and the then-existing wisdom in the field, and not by hindsight knowledge of what the inventor has done. *Id.*

The Federal Circuit has consistently maintained a strong vigilance to prevent hindsight from creeping into obviousness analyses. *In re Gorman*, 933 F.2d 982 (Fed. Cir. 1991) (“As in all determinations under 35 U.S.C. section 103, the decisionmaker must bring judgment to bear. It is impermissible, however, simply to engage in a hindsight reconstruction of the claimed

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invention, using the applicants' structure as a template and selecting elements from references to fill the gaps."); *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988) ("One cannot use hindsight reconstruction to pick and choose among isolated disclosures in the prior art to deprecate the claimed invention."); *Interconnect Planning Corp. v. Feil*, 774 F.2d 1132 (Fed. Cir. 1985) (Recognizing that it is error to reconstruct the claimed invention from the prior art by using the claim as a blueprint). The Board, as it must, has followed the Federal Circuit's guidance. *Ex parte Akamatsu*, 1992 Pat. App. LEXIS 12, 34-35, 22 U.S.P.Q.2d 1915 (Bd. App. 1992) (refusing to find claims obvious when conclusion could not be reached without use of hindsight); *Ex parte Nesbit*, 1992 Pat. App. LEXIS 23, 7-8 (Bd. App. 1992) (reversing examiner's obviousness rejections because the only reason to combine the "mosaic of references" resulted from a review of applicant's disclosure and thus involved impermissible hindsight).

What is clear from the Federal Circuit's case law is that a patent claim may not be rendered obvious by using its very terms as a guide to search through and assemble prior art. Nothing could more clearly violate the Federal Circuit's strict guidance against the use of hindsight than turning to a dictionary, looking up the terms of a patent claim and citing the located definitions to conclude the claim is obvious. That is precisely what the Examiner has done in this case to reject Claims 1-13.

The best defense against a hindsight-based analysis is a "rigorous application of the requirement for a showing of the teaching or motivation to combine prior art references." *Dembiczak*, 175 F.3d at 999. In *Dembiczak*, the Federal Circuit reversed, as a matter of law, the obviousness rejections affirmed by the Board because the Board did not identify any suggestion, teaching, or motivation to combine the cited prior art references. *Id.* at 1000. See also *In re Rouffet*, 149 F.3d 1350, 1357 (Fed. Cir. 1998) ("[T]his court requires the examiner to show a motivation to combine the references that create the case of obviousness. In other words, the examiner must show reasons that the skilled artisan, confronted with the same problems as the inventor and with no knowledge of the claimed invention, would select the elements from the cited prior art references for combination in the manner claimed.").

The following analysis of the obviousness rejections of each of Claims 1-13 shows that the Examiner identified no suggestion, teaching or motivation to combine the definitions from the Microsoft Computer Dictionary either with themselves or with the multiple Official Notices taken by the Examiner.

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a. Claim 1

The Examiner rejected Claim 1 under 35 U.S.C. § 103 (a) as being unpatentable over the Microsoft Computer Dictionary (the "Dictionary") and in view of Official Notice. Ex. A at 4-5; Ex. B at 4.

In rejecting Claim 1, the Examiner relied on the definition of "relational database" in the Dictionary and on Official Notice. Thus, the Examiner cited page 403 of the Dictionary (see Ex. C) as teaching the product database recited in Claim 1 as follows:

a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said competing product, said product database stored on a computer readable medium;

Ex. B at 5.

Applicant has carefully reviewed the cited definition and found no teaching or suggestion of Applicant's product database, and in particular, for example, found no teaching of the recited "third data representing an association between a product and a competing product."

Additionally with respect to the recited product database, the Examiner observed that the Dictionary "fails to teach the feature of a relational database based upon a comparison of competing products." *Id.* The Examiner then took Official Notice that "the comparison feature between any two or more forms of data is old and well known" from conditional loops in the computer art. *Id.* The Examiner's reliance on Official Notice is misplaced, however, as the language of Claim 1 does not include the term "comparison feature".<sup>2</sup>

The Dictionary, considered alone or in combination with the Official Notice of conditional loops taken by the Examiner, does not teach or suggest the product database recited in Claim 1.

The Examiner also relied on the definition of "dynamic page" in the Dictionary as teaching a dynamic page file recited in Claim 1 as follows:

a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said dynamic page file stored on said computer readable medium;

Ex. B at 5.

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Applicant carefully reviewed the cited definition of dynamic page and found no teaching or suggestion of the dynamic page file as recited in Claim 1.

The Examiner stated that the Dictionary "fails to explicitly teach the features of the second data used to query the first data from the product database." The Examiner then took Official Notice that "the selection feature is old and well known in the computer art in the form of a conditional loop, which is a type of query, with indexes or subscripts to represent any data in table or matrix form in the context of a programming language." Taking such Official Notice, the Examiner concluded that it would have been obvious to one of ordinary skill to "implement such a feature to gain the advantage of a more robust analysis of business or product data." *Id.* at 5-6.

The Dictionary, whether considered alone or in combination with the subject matter of the Official Notice taken by the Examiner, does not teach the dynamic page file as recited in Claim 1. In particular, for example, the Dictionary considered in view of the Official Notice of a conditional loop taken by the Examiner fails to teach or suggest a dynamic page file including instructions to use the recited second data as a query parameter to obtain the recited first data.

In sum, the Dictionary definitions and Official Notices relied upon by the Examiner simply do not teach or suggest Applicant's Claim 1. The Board should thus reverse the Section 103(a) rejection of Claim 1.

It bears noting that Applicant repeatedly requested additional proof from the Examiner or an affidavit under 37 C.F.R. Section 1.104(d)(2) to support the Official Notice the Examiner believed renders obvious Applicant's Claims 1-13. See Ex. F *passim*. The Examiner never provided the additional proof or an affidavit.

Importantly, even if the references cited by the Examiner taught each and every limitation of Claim 1 -- which they do not -- the Examiner still failed to identify any suggestion or motivation to combine the three Dictionary definitions and the three Official Notices relied upon in the Office Action to reject Claim 1 under 35 U.S.C. § 103(a). In the First Office Action, the Examiner provided three statements that it would have been obvious to one of ordinary skill to implement three different features. Ex. B at 5-6. But that does not satisfy the requirement of

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<sup>2</sup> In the Final Office Action, the Examiner stated that he must "establish the metes and bounds of claim 1 to exclude any comparison feature by Applicant's self-admission." Applicant never made such an admission, and the Examiner's reasoning is flawed.

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identifying a suggestion, teaching or motivation to combine the Dictionary definitions and Official Notices.

In the Final Office Action, the Examiner provided one statement apparently designed to satisfy this requirement for all rejections of Claims 1-13 based on the Dictionary:

The underlying, common, *interlocking* thread of suggestion or motivation or advantage to combine all MSC definitions and Official Notices can be readily subsumed by this statement: an efficient browser system with inputs consisting of all product data, transfer functions consisting of searching, comparing and purchasing, and an output of minimizing consumer cost while maximizing customer satisfaction.

Ex. A at 5 (emphasis original).

Other than an incorrect attempt to summarize something Applicant has claimed, Applicant, frankly, cannot guess what that statement means. What is certain, however, is that the statement does not identify any suggestion, teaching or motivation to combine the many Dictionary definitions or the Official Notices to render obvious Applicant's claims.

The Examiner has impermissibly used Applicant's Claim 1 as a blueprint to search piecemeal through the Dictionary and to take Official Notices of matter not located in the Dictionary. That process violates the law explained above forbidding the use of hindsight in an obviousness analysis. Moreover, the Examiner failed to identify any motivation, teaching or suggestion to combine the Dictionary definitions and the Official Notices. For these reasons, too, the Board should reverse the rejection of Claim 1 under Section 103(a).

For the reasons stated above, Applicant maintains that Claim 1 is patentably distinct from the cited prior art.

**b. Claims 2-6**

The Examiner rejected Claims 2-6 under 35 U.S.C. § 103 (a) as being unpatentable over the Dictionary and in view of Official Notice.

First, with respect to Claims 2-6 which depend from Claim 1, Applicant maintains each is patentably distinct over the relied upon prior art for the same reason that Claim 1 is patentably distinct over that art. It is settled that if an independent claim is nonobvious, then any claim depending therefrom is likewise nonobvious. *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

Moreover, in rejecting Claim 2, the Examiner relied on the definition of "dynamic page" in the Dictionary, as in Claim 1, and on Official Notice. Thus, the Examiner cited page 166 of the Dictionary (see Ex. C) as teaching the dynamic page file recited in Claim 2 as follows:



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A second dynamic page file for generating a second electronic store page, said dynamic page file including second instructions to use information identifying a manufacturer as a query parameter to obtain said second data from said product database;

Ex. B at 6-7.

As indicated above, applicant carefully reviewed the cited definition of dynamic page. But Applicant found no teaching or suggestion of Applicants' recited second dynamic page file, and in particular, for example, found no teaching of the recited "second instructions to use information identifying a manufacturer as a query parameter to obtain said second data."

Additionally, with respect to the recited second dynamic page file, the Examiner observed that the Dictionary "fails to explicitly teach the specific details of generating a second electronic store page, with the dynamic page file including second instructions to identify a manufacturer as a query parameter database." The Examiner then took Official Notice that "the selection feature is old and well known in the computer art in the form of a conditional loop". But again, the Examiner's reliance on Official Notice is misplaced, because the language of Claim 2 does not include "select" or "selection".

Applicant maintains that the Dictionary, considered alone or in combination with the Official Notice of conditional loops taken by the Examiner, does not teach or suggest the second dynamic page file recited in Claim 2. Thus, the Board should reverse the rejection of Claim 2 under Section 103(a).

As was true with respect to Claim 1, the Examiner again engaged in a hindsight analysis and failed to identify any suggestion or motivation in the prior art to combine the multiple Dictionary definitions and the Official Notices relied upon in the Office Action to reject Claim 2 under 35 U.S.C. § 103(a). Thus, in view of the law explained above prohibiting hindsight and requiring the identification of a suggestion, teaching or motivation to combine, the Board should reverse the rejection of Claim 2 under Section 103(a).

Claim 2's recitation of the second dynamic page file also provides additional distinction over the cited prior art, showing that Claim 2 is separately patentable over Claim 1.

With respect to Claim 3, Applicant maintains that, because Claim 3 depends from Claims 1 and 2, which are patentably distinct over the cited art, Claim 3 must also necessarily be patentably distinct. For the reasons stated above with respect to Claims 1 and 2, the Board should also reverse the Section 103(a) rejection of Claim 3.

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In rejecting Claim 4, the Examiner again turned to the Dictionary and relied on the definition of "hyperlink" and on still further Official Notice. Thus, the Examiner cited page 240 of the Dictionary as teaching the electronic store page recited in Claim 4 as follows:

An electronic store page having a hyperlink responsive to a customer selection of said hyperlink to generate said request;

Ex. B at 8.

The cited definition, however, provides no teaching or suggestion of Applicant's electronic store page.

Additionally with respect to the recited electronic store page, the Examiner observed that the Dictionary "fails to teach the feature of a request for a competitor's price." The Examiner then took Official Notice that "this feature is old and well known in the computer art". The Examiner's reliance on Official Notice is misplaced, however, as Claim 4 nowhere recites the term "competitor's price" or even refers to any type of price.

Applicant maintains that the Dictionary, considered alone or in combination with the Official Notice taken by the Examiner, does not teach or suggest the electronic store page recited in Claim 4. Thus, the Board should reverse the Section 103(a) rejection of Claim 4.

Also, as with the other 103(a) rejections described above, the Examiner again used hindsight to look up Claim 4's terms in the Dictionary and never identified any suggestion, teaching or motivation to combine the Dictionary definitions and the Official Notices relied upon in the Office Action to reject Claim 4 under 35 U.S.C. § 103(a). For that reason, too, the Board should reverse the rejection of Claim 4.

With respect to Claims 5 and 6, Applicant maintains that, because Claims 5 and 6 depend from Claims 1 and 4, which are patentably distinct over the cited art, Claims 5 and 6 must also necessarily be patentably distinct. Thus, the Board should reverse the Section 103(a) rejections of Claims 5 and 6.

Additionally, Claim 6 recites a cost savings form receiving competing cost information and second instructions for comparing the competing cost information and product cost information. The cost savings form and second instructions recited in Claim 6 provide additional distinction over the cited art, showing that Claim 6 is separately patentable over Claims 1 and 2.

**c. Claim 7**

The Examiner rejected Claim 7 under 35 U.S.C. § 103 (a) as being unpatentable over the Dictionary and in view of Official Notice.

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As in Claims 1-6, the Examiner relied on a definition in the Dictionary and on Official Notice in rejecting Claim 7. The Examiner cited the definition of “relational database” in page 403 of the Dictionary as teaching a limitation recited in Claim 7 as follows:

transmitting with a page server at least one corresponding product hyperlink to a customer browser, said at least one corresponding product hyperlink operatively associated with a corresponding product identifier representing a corresponding product and operatively associated with a page file identifier representing a corresponding product page file;

Ex. B at 11.

Applicant carefully reviewed the cited definition of “relational database” and found no teaching or suggestion of Applicant’s method, and in particular, for example, found no teaching of the recited “product hyperlink operatively associated with a corresponding product identifier representing a corresponding product and operatively associated with a page file identifier representing a corresponding product page file.”

Additionally, the Examiner observed that the Dictionary “fails to teach the feature of a relational database based upon a product identifier and the associated page identifier of a corresponding product.” The Examiner then took Official Notice that “the corresponding feature between any two or more forms of data is old and well known” in the form of conditional loops in the computer art. The Examiner’s reliance on Official Notice is misplaced, however, because the Examiner ignored the specific association and the specific subject matter recited in Claim 7.

In further regard to Claim 7, the Examiner relied on the definition of “web browser” and “tag” in the Dictionary as teaching a “displaying” limitation recited in Claim 7 as follows:

Displaying with said customer browser information identifying a product, a portion of said displayed information selectable to activate said corresponding product hyperlink;

Ex. B at 11-12.

Applicant carefully reviewed the cited definition of web browser and tag and found no teaching or suggestion of the “displaying” limitation recited in Claim 7. The Examiner noted that the Dictionary “fails to explicitly teach the features of selecting a corresponding product hyperlink.” The Examiner then took Official Notice that “this feature is old and well known in the computer art as in constructing relational databases with Microsoft Access.” Taking such Official Notice, the Examiner concluded that it would have been obvious to one of ordinary skill to “implement such a feature to gain the advantage of a more informed purchase decision.” But the Examiner failed to identify any suggestion or motivation to combine all the definitions.

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Applicant maintains that the Dictionary, whether considered alone or in combination with the subject matter of the Official Notice taken by the Examiner, does not teach the method as recited in Claim 7. In particular, for example, the Dictionary definitions considered in view of the Official Notice of constructing relational databases taken by the Examiner fails to teach or suggest a method of “displaying with said customer browser information identifying a product, a portion of said displayed information selectable to activate said corresponding product hyperlink.” Also, that limitation provides additional distinction over the prior art, showing Claim 7 is separately patentable over Claims 1, 2 and 6.

Here, again, the Examiner used hindsight in looking up Applicant’s claim terms in a dictionary and again failed to identify any suggestion, teaching or motivation to combine the Dictionary definitions and the Official Notices relied upon in the Office Action to reject Claim 7 under 35 U.S.C. § 103(a). Because the cited definitions and Official Notices fail to teach or suggest the claimed subject matter, because the Examiner impermissibly relied upon hindsight and further because the Examiner never identified any suggestion to combine the cited definitions and the Official Notices, a rejection under section 103 is improper. The Board should thus reverse the Section 103(a) of Claim 7.

**d. Claims 8-10**

The Examiner rejected Claims 8-10 under 35 U.S.C. § 103 (a) as being unpatentable over the Dictionary and in view of Official Notice.

First, Claims 8-10 depend from Claim 7, and Applicant maintains that Claims 8-10 are patentably distinct over the cited art for at least the same reasons applying to Claim 7 (described above). *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988).

In addition, as was done with respect to Claims 1-7, the Examiner again relied on definitions in the Dictionary, and on Official Notice, to reject Claim 8 under Section 103(a). The Examiner cited the definition of “server” in page 430 of the Dictionary (see Ex. C) as teaching a limitation recited in Claim 8 as follows:

Processing instructions in said page file to use said identifier to obtain data representing a corresponding product;

Ex. B at 12.

The cited definition provides no teaching or suggestion of any limitation recited in Applicant’s Claim 8.

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Additionally, the Examiner observed that the Dictionary “fails to teach the feature of processing instructions using the product identifier to represent a corresponding product.” The Examiner then took Official Notice that “these features, taken separately, are old and well known in the computer business art in the COBOL programming language.” But the Examiner never explained how anything teaches the recited “processing instructions.” And nothing relied upon by the Examiner does.

The Examiner concluded that it would have been obvious to one of ordinary skill to “combine such features to gain the advantage of a more informed buying decision.” But the desire to gain the advantage of a “more informed buying decision” does not explain why one of ordinary skill would combine numerous definitions from the Dictionary to arrive at the recited invention. Again, the Examiner failed to identify a suggestion, teaching or motivation to combine the Dictionary definitions and the Official Notices. For that reason, and because the cited definitions and Official Notices fail to teach or suggest the subject matter of Claim 8, the Board should reverse the Section 103(a) rejection of that claim. Additionally, the recited processing instructions using an identifier to obtain data representing a corresponding product provide additional distinction over the prior art relied upon by the Examiner, thus showing that Claim 8 is separately patentable over Claims 1, 2, 6 and 7.

With regard to Claims 9 and 10, Applicant maintains that, because they depend from Claims 7 and 8, which are patentably distinct over the prior art relied upon by the Examiner, Claims 9 and 10 must also necessarily be patentably distinct. Thus, the Board should also reverse the Section 103(a) rejections of Claims 9 and 10.

**e. Claim 11**

The Examiner rejected Claim 11 under 35 U.S.C. § 103 (a) as being unpatentable over the Dictionary and in view of Official Notice. Ex. B at 17; Ex. A at 5.

As in Claims 1-10, the Examiner relied on definitions in the Dictionary and on Official Notice to reject Claim 11. The Examiner cited pages 95, 96, 166, 240, 392, 422-423, 424-425, 431, 449 of the Dictionary and a variety of Official Notices as teaching an e-store dynamic page file as recited in Claim 11. Ex. B at 17-19.

Applicant carefully reviewed each of the cited definitions and the Official Notices. Applicant maintains that the Dictionary pages, considered alone or in combination with the Official Notices taken by the Examiner, do not teach or suggest the e-store dynamic page file

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recited in Claim 11. In particular, none of the definitions, alone or combined, even come close to teaching or suggesting an e-store dynamic page file having the recited query instructions that use a search key to obtain records including information about competing products or having the hyperlink creation instructions to create a hyperlink for each record that references a corresponding product.

The Examiner failed to cite any combination of prior art that teaches each and every limitation of Claim 11. Also, the Examiner failed to identify any suggestion or motivation in the prior art to combine the nine Dictionary definitions and the four Official Notices relied upon to reject Claim 11. The Examiner provided four separate statements that it would have been obvious to one of ordinary skill to implement four different features of Claim 11, Ex. B at 18-19, but never once explained what would suggest or motivate a combination of nine Dictionary definitions and four Official Notices.

In the Final Office Action, the Examiner stated that “[w]hether ‘nine MSC definitions’ and ‘four Official Notices’ can to [sic] be combined is not to be decried by arbitrary numerical ceilings that attempt to create a fictitious numerical apogee.” Ex. A at 5. Applicant has no quarrel with the Examiner’s desire to be unconstrained by arbitrary numerical ceilings on the number of items he may combine in rejecting claims for obviousness. Indeed, Applicant is aware of no such numerical ceilings. However, 13 different items of prior art cannot be cited to reject one of Applicant’s claims in the absence of some identified suggestion, teaching or motivation to combine all of them. Here, the Examiner did not even identify a suggestion to combine 2 of them, let alone the 13 he cited.

Thus, because the cited references and Official Notices fail to teach or suggest the subject matter of Claim 11, because the Examiner used impermissible hindsight to simply look up the words and phrases of Claim 11 in the Dictionary, and further because the Examiner identified no suggestion, teaching or motivation to combine the nine definitions and four Official Notices, the Board should reverse the Section 103(a) rejection of Claim 11. Moreover, the recited hyperlink creation instructions provide additional distinction over the relied upon prior art, showing that Claim 11 is separately patentable over Claims 1, 2, 6 and 7.

**f. Claims 12 and 13**

The Examiner rejected Claims 12 and 13 under 35 U.S.C. § 103 (a) as being unpatentable over the Dictionary and in view of Official Notice.

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Because Claims 12 and 13 depend from Claim 11, Applicant maintains that they are patentably distinct over the relied upon prior art for all the same reasons as described above in connection with Claim 11. *In re Fine*, 837 F.2d 1071. Thus, the Board should reverse the Section 103(a) rejections of Claims 12 and 13.

While dependent upon Claim 11, Claim 12 recites the additional subject matter of a cost savings form including a cost savings hyperlink. No prior art relied upon by the Examiner teaches or suggests that additional subject matter. Thus, that subject matter provides additional distinction over the relied upon prior art, showing that Claim 12 is separately patentable from Claims 1, 2, 6, 7, 8 and 11.

**D. Claim 14 Is Not Unpatentable Under 35 U.S.C. § 103(a) Over The Article, “Planet Retail, A Comparative Shopping Service From Dialog, Debuts”**

The Examiner rejected Claim 14 under 35 U.S.C. § 103 (a) as unpatentable over the *Information Today* article. Ex. B at 20-21; Ex. A at 6. In particular, the Examiner relied on the *Information Today* article (the “Article”) (see Ex. E) to conclude that Claim 14’s recited system for locating information about products comprising associating means, requesting means, query means, information assembly means, transmitting means is obvious.

A thorough review of the cited Article shows no teaching or suggestion of the subject matter recited in Claim 14. Claim 14 recites a number of means, namely associating means, requesting means, query means, information assembly means, transmitting means. The Article does not teach or suggest even one of them.

The Article describes a “Web-based comparative shopping service” wherein users can search, select, and sort products based on different given categories such as brand names, product types, and price. That is the closest the Article comes — which is not close at all — to suggesting the invention of Claim 14. As just one example of how the Article falls short of teaching the recited subject matter, Claim 14 recites “associating means for storing an association between a product and a corresponding product.” Nowhere does the Article teach or suggest the recited associating means.

The Examiner points to one sentence from the Article as teaching every one of Claim 14’s recited means. That sentence is this: “Users are able to search the Internet through Planet Retail’s user-friendly . . . goods from the merchant.” But that sentence does not teach or suggest

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even one of the recited means. The Examiner provided no other basis or reasoning to reject Claim 14.<sup>3</sup>

For the reasons stated above, Applicant maintains that Claim 14 is patentably distinct from the relied upon prior art. Thus, The Board should reverse the Section 103(a) rejection of Claim 14.

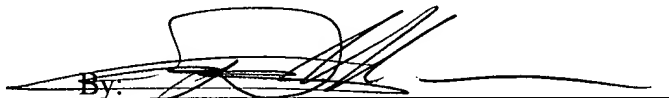
### CONCLUSION

For the reasons stated above, the Board should reverse all rejections of all pending Claims 1-16.

Respectfully submitted,

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Dated: 11/29/01

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<sup>3</sup> The Examiner indicated in the Final Office Action that he "must establish the metes and bounds of claim 14 to exclude any system where users can search, select, and sort products based on different given categories such as brand names, product types, and price by Applicant's self-admission. Applicant made no such admission, and the Examiner's reasoning is flawed.



## IX. APPENDIX

### A. Claims Involved In The Appeal

1. A system for browsing products using competitor information, the system comprising:

a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said competing product, said product database stored on a computer readable medium;

a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said dynamic page file stored on said computer readable medium; and

a product information server responsive to a customer request for said electronic store page to access said dynamic page file, to process said instructions and to provide said electronic store page to said customer, said product information server running on a computer operably connected to said computer readable medium.

2. The system as described in Claim 1, wherein said product database includes data representing an association between a manufacturer and said second data, said system further comprising:

a second dynamic page file for generating a second electronic store page, said dynamic page file including second instructions to use information identifying a manufacturer as a query parameter to obtain said second data from said product database, said second data included in said second electronic store page, said second dynamic page file stored on said computer readable medium.

3. The system as described in Claim 2, wherein said product information server responds to a customer request for said second electronic store page by accessing said second dynamic page file, by processing said second instructions, and by providing said second electronic store page to said customer.

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4. The system as described in Claim 1 further comprising:  
an electronic store page having a hyperlink responsive to a customer selection of said hyperlink to generate said request.
5. The system as described in Claim 4 further comprising:  
a customer browser which transmits said second data to said page server upon said selection of said hyperlink.
6. The system as described in Claim 5, wherein said product database includes product cost information related to said product, further comprising:  
a cost savings form on said electronic store page, said cost savings form receiving competing cost information about said competing product, said customer browser transmitting said cost information to said page server; and  
second instructions in said dynamic page file for comparing said competing cost information and said product cost information to calculate cost savings information, said product information server providing said savings information to said customer.
7. A method for locating information about a product using information about a corresponding product, said method comprising the steps of:  
transmitting with a page server at least one corresponding product hyperlink to a customer browser, said at least one corresponding product hyperlink operatively associated with a corresponding product identifier representing a corresponding product and operatively associated with a page file identifier representing a corresponding product page file;  
receiving with said customer browser said corresponding product hyperlink;  
displaying with said customer browser information identifying a product, a portion of said displayed information selectable to activate said corresponding product hyperlink;  
and  
responding to a selection of said portion by transmitting to said page server a request for said corresponding product page file and by transmitting to said page server said product identifier.
8. The method as described in Claim 7, comprising the further steps of:  
receiving with said page server said request for said corresponding product page file and said identifier;

processing instructions in said page file to use said identifier to obtain data representing a corresponding product; and

transmitting with said page server to a customer browser said data representing said corresponding product.

9. The method as described in Claim 8, comprising the further steps of:

transmitting with said page server at least one manufacturer hyperlink to a customer browser, said at least one manufacturer hyperlink operatively associated with a manufacturer identifier representing a manufacturer and operatively associated with a second page file identifier representing a manufacturer product list page file;

receiving with said customer browser said manufacturer hyperlink;

displaying with said customer browser second information identifying said manufacturer, a portion of said displayed second information selectable to activate said manufacturer hyperlink; and

responding to a selection of said portion of said second information by transmitting to said page server a request for said manufacturer product list page file and by transmitting to said page server said manufacturer identifier.

10. The method as described in Claim 9, comprising the further steps of:

receiving with said page server said request for said manufacturer product list page file and said manufacturer identifier;

processing second instructions in said manufacturer product list page file to use said manufacturer identifier to obtain data representing products of said manufacturer; and

transmitting with said page server to a customer browser said data representing said products of said manufacturer.

11. An e-store dynamic page file comprising:

static content including content identification tags which may be interpreted to format said content;

script components including:

connection instructions to establish a connection to a product database;

query instructions to query said product database using a search key provided to said query instructions as a parameter, and to thereby obtain a

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recordset including at least one record, each of said at least one records including information about competing products; and

hyperlink creation instructions to create a hyperlink for each of said at least one records, each hyperlink referencing a corresponding product page file for transmitting information about a corresponding product, each hyperlink including an identifier representing a corresponding product.

12. The e-store dynamic page file as described in Claim 11 further comprising:

a cost savings form including at least one text entry field for accepting competing cost information related to the cost of said competing products and including a cost savings hyperlink, the cost savings hyperlink referencing a corresponding product page file for transmitting information about a difference in cost between said products and said competing products, the cost savings hyperlink including an identifier representing a corresponding product and at least one cost identifier representing said competing cost information.

13. The e-store dynamic page file as described in Claim 12 wherein said script components further include:

form placement instructions for generating said cost savings form once for each of said at least one records.

14. A system for locating information about products, said system comprising:

associating means for storing an association between a product and a corresponding product;

requesting means responsive to an identification of said product to request information about said corresponding product;

query means for using said identification of said product to access said associating means and to thereby obtain said information about said corresponding product;

information assembly means responsive to said request to invoke said query means and to format said information about said corresponding product; and

transmitting means for presenting to a customer said formatted information about said corresponding product.

15. A product browsing system comprising:
- a server computer having a network connection;
  - a product database including first data representing a product, including second data representing a competing product, and including third data representing an association between said product and said competing product, said product database residing on a computer readable medium of the server computer; and
  - a dynamic page file for generating an electronic store page, said dynamic page file including instructions to use said second data as a query parameter to obtain said first data from said product database, said first data included in said electronic store page, said electronic store page transmitted via said network connection.
16. A method for retrieving information about a product using information about another product, said method comprising:
- a step for storing information on a first set of products;
  - a step for storing information on a second set of products;
  - a step for storing an association between the first set of products and the second set of products said association representing product equivalency;
  - a step for establishing communication between a client computer and a server computer;
  - a step for transmitting a product identifier from the first set of products to the server computer; and
  - a step for receiving a competing product identifier from the second set of products.